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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,748	03/17/2004	Dana M. Walker	100041-41199	6866
27805	7590	02/24/2006		
THOMPSON HINE L.L.P. P.O. BOX 8801 DAYTON, OH 45401-8801				
EXAMINER WILLIAMS, JAMILA O				
ART UNIT		PAPER NUMBER		
3722				

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,748

Applicant(s)

WALKER ET AL.

Examiner

Jamila O. Williams

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,5, 7,11-13,17-23,25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by 5,765,875 to Rowley. Rowley discloses a system comprising a system comprising at least one storage sheet (34) having at least one generally rectangular pocket (46), including a mouth (74) and flap (76) in a notebook (22) having a front and back cover and a binding mechanism 30) via binding edge (34) and at least one supply sheet having at least one index card detachable therefrom (fig 11, the card 56 serves as an index card in that it is a storage medium and can be filed via hole in left corner), including a plurality of sheets of paper (fig 4); wherein the storage sheet includes two pockets sized to store differently sized index cards (inherently capable of function); wherein the pockets are made of transparent material (col. 7 lines 40-45); wherein the pocket is sized to generally closely receive one of the index cards (fig 5); wherein the index card is formed on the supply sheet by a plurality of perforations (fig 11). Rowley discloses the claimed methods including the method of providing the storage sheet with pocket (fig 5) and a supply sheet with at least one index card detachable therefrom (fig 11) and a binding

mechanism binding said sheets (fig 4), detaching the index card from the supply sheet and storing the index card in the pocket (fig 5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. In the event that it is deemed that Rowley does not disclose an "index card", the following rejections are provided.
5. Claims 1-7,11-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,765,875 to Rowley in view of 6,116,650 to Nijboer et al. Rowley discloses a system comprising at least one storage sheet (34) having at least one pocket (46), including a mouth (74) and flap (76) in a notebook (22 having a front and back cover and a binding mechanism 30) via binding edge (34) and including a plurality of sheets of paper (fig 4); wherein the storage sheet includes two pockets; wherein the pockets are made of transparent material (col. 7 lines 40-45); wherein the pocket is sized to generally closely receive one of the index cards (pockets of Rowley are inherently capable of the claimed function).
6. Rowley does not however disclose including at least one supply sheet having at least one index card formed therein and detachable therefrom. Nijboer teaches having a supply sheet bound in a notebook via binding edge (6) and having

detachable index cards thereon with perforations (fig 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the supply sheet of Nijboer with the system of Rowley for the purpose of allowing the user to keep records.

7. Regarding the limitations of claim 4 wherein the supply sheet is similar in shape but generally smaller than the sheets of paper and the limitations of claims 12, 14-16 wherein the index cards are of a specific size, it is well known to have paper or index cards of various sizes therefore it would have been obvious to one having ordinary skill in the art that the time the invention was made to alter the size of the sheet as suited for the intended use, especially since applicant has provided no criticality towards the size of the paper (page 6 paragraph [0026] of spec.) nor the size of the index cards (page 4 paragraph [0021] last 5 lines of spec.).
8. Regarding the limitations of claim 6 wherein the binding mechanism is a helical coil, Rowley uses binding rings as the binding mechanism but helical coil springs are also a well known binding mechanism (as shown by Nijboer). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the helical coil binder as taught by Nijboer for the purpose of binding the sheets together.
9. The combination of Rowley and Nijboer also satisfies the method for assembling an index card storage system, recited in claims 19-27. Regarding the method steps of claims 28-29, Rowley teaches providing a storage sheet with a pocket thereon and a binding mechanism, Nijboer teaches having a supply sheet with detachable index

cards thereon. It would have been obvious to place the index card of Nijboer in the pocket of Rowley for the purpose of providing safe storage of the card.

10. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,765,875 to Rowley in view of 6,116,650 to Nijboer et al and further in view of 3,720,304 to Laugherty et al. Rowley and Nijboer disclose the elements of the claims as applied to claim 1 above. This combination does not however disclose the slit and crease used to close the flap, as recited in claims 8-10. Laugherty teaches having a pocket device (cardboard in figures forms a pocket) having a slit (slit which forms tab 6) on the front face of the pocket for receiving flap (4) wherein the pocket has a crease such that the slit edge is pivotable about the crease (see figures 2-5, crease allows for pivotable movement of tab 6); wherein the slit forms an angle with the body of the pocket and is shaped to guide the flap thereunder (fig 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the teachings of Laugherty with the pocket of Rowley for the purpose of more securely closing the flap and pocket.

Response to Arguments

Applicant's arguments filed 11-25-2005 have been fully considered but they are not persuasive. Regarding the argument that Rowley does not disclose a supply sheet having an index card detachable therefrom, the examiner maintains the rejection. As seen in figure 11 of Rowley, a sheet 83 having a tag 82 formed therein is provided. In

that the tag of Rowley can be filed (via the hole) and serve as a storage medium for data, it can inherently be used as an index card.

In the alternative Nijboer has been provided by the examiner to show a supply sheet having detachable index cards. The cards of Nijboer being used to record information. It would not be unreasonable to use these cards with information system of Rowley for the purpose of recording information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Mon-Fri 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



jw



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER